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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JEFFREY ROSE, C.E. MICHAEL BAYLEY,  
JOHN GULLIVER, and SELWYN ALLEYNE,  
FOR THEMSELVES AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED AND ENTITLED,

Plaintiffs,

- against -

M/V "BRANDON C. ROEHRIG", her engines, tackle,  
boiler, etc., *in rem*, TUG BRANDON C. ROEHRIG LLC,  
and ROEHRIG MARITIME LLC, *in personam*.

Defendants.  
-----X

Docket No.  
07 CV 6987 (LLS)

**ANSWER**

ECF Case

Defendants, by their attorneys, RUBIN, FIORELLA & FRIEDMAN LLP, as and for  
their answer, allege upon information and belief, as follows:

1. Paragraph "1" of the complaint contains a question of law to which no response  
is required, however, to the extent a response is required, defendants deny knowledge or  
information sufficient to form a belief as to the allegations contained in paragraph "1" of the  
complaint.

2. Defendants deny knowledge or information sufficient to form a belief as to each  
and every allegation contained in paragraph "2" of the complaint.

3. Defendants admit M/V "BRANDON C. ROEHRIG" was owned by TUG

BRANDON C. ROEHRIG LLC and operated by ROEHRIG MARITIME LLC, however, deny knowledge or information sufficient to form a belief as to the remaining allegations contained in paragraph "3" of the complaint.

4. Defendants admit TUG BRANDON C. ROEHRIG LLC and ROEHRIG MARITIME LLC are domestic limited liability companies with an address at One School Street, Suite 202, Glen Cove, New York 11542, however, deny knowledge or information sufficient to form a belief as to remaining allegations contained in paragraph "4" of the complaint.

5. Defendants deny the allegations contained in paragraph "5" of the complaint.

6. Defendants deny the allegations contained in paragraph "6" of the complaint.

7. Defendants deny knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "7" of the complaint.

8. Defendants deny knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "8" of the complaint.

9. Defendants deny knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "9" of the complaint.

10. Defendants deny the allegations contained in paragraph "10" of the complaint.

11. Defendants deny the allegations contained in paragraph "11" of the complaint.

12. Defendants admit the tug is in service, denies the tug was saved by plaintiffs, and denies knowledge or information sufficient to form a belief as to the remaining allegations in paragraph "12" of the complaint.

13. Defendants deny the allegations contained in paragraph "13" of the complaint.

14. Defendants deny the allegations contained in paragraph "14" of the complaint.

15. Defendants deny knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "15" of the complaint.

16. Defendants deny knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "16" of the complaint.

17. Defendants deny the allegations contained in paragraphs "17" of the complaint.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

18. The complaint fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

19. Insufficiency of process and service of process.

**THIRD AFFIRMATIVE DEFENSE**

20. No salvage service was rendered and plaintiffs are not entitled to a salvage award.

**FOURTH AFFIRMATIVE DEFENSE**

21. Time bar, laches and/or other limitation of actions.

**FIFTH AFFIRMATIVE DEFENSE**

21. Defendants claim the benefit of all contractual and/or statutory limitations of liability, including the Limitation of Liability Act of 1851, 46 U.S.C. § 181 *et seq.*

**SIXTH AFFIRMATIVE DEFENSE**

22. The complaint fails to state a cause of action.

**WHEREFORE**, defendants, demands judgment against plaintiffs as follows:

a. Judgment dismissing the complaint, plus costs and disbursements to

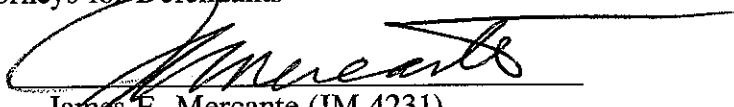
defendants; and

- b. For such other and further relief as this court deems just and proper under the circumstances.

Dated: New York, New York  
August 15, 2007

RUBIN, FIORELLA & FRIEDMAN LLP  
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By:

  
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